

# Exhibit 13

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

AMAZON.COM, INC.; AMAZON.COM  
SERVICES LLC; AND AMAZON WEB  
SERVICES, INC.,

Defendants.

Case No. 7:24-CV-00030-ADA-DTG

**JURY TRIAL DEMANDED**

**DECLARATION OF PAUL O'LEARY IN SUPPORT OF PLAINTIFF VIRTAMOVE,  
CORP.'S OPPOSITION TO AMAZON'S MOTION TO TRANSFER VENUE**

I, Paul O'Leary, declare and state as follows:

1. I submit this declaration in support of Plaintiffs Opposition to Amazon's Motion to Transfer Venue. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. I currently work as an IT consultant and Owner for 592 Consulting, Inc.

3. I currently reside at [REDACTED] Kanata, ON, Canada, K2K 1V5.

4. I am a named inventor on asserted U.S. Patent Nos. 7,519,814 and 7,784,058, which I understand have been asserted by VirtaMove against Amazon.

5. I am willing and expect to travel to Texas to testify in the above-captioned case. I do not personally find this inconvenient.

6. I am also willing and expect to travel to Texas in relation to Plaintiffs co-pending cases *VirtaMove, Corp. v. Google LLC*, No. 7:24-cv-33 (W.D. Tex); *VirtaMove, Corp. v. International Business Machines Corp.*, No. 2:24-cv-64 (E.D. Tex); and *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-96 (E.D. Tex). I expect to regularly travel to Texas to prepare for, attend hearings in, and testify in these cases, so I would not find travel for the Amazon case to be inconvenient if it takes place in Texas. I have no specific plans to travel to the Northern District of California.

7. I would prefer to travel to Midland, Texas for trial instead of to the Northern District of California because I believe it will be both less expensive and closer.

8. For expenses, I have estimated my per-diem rates using the GSA website, and San Francisco looks to be approximately 50% more expensive. Below are true and correct screenshots of the GSA estimated rates for Midland, Texas and San Francisco, CA from:

[www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems\\_report&fiscal\\_year=2024&state=CA&city=San%20Francisco](http://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=CA&city=San%20Francisco), and  
[www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems\\_report&fiscal\\_year=2024&state=TX&city=midland](http://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=TX&city=midland).

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**FY 2024 Per Diem Rates for San Francisco, California**Change fiscal year: 2024 **2023** **2022** or [New Search](#)**Daily lodging rates (excluding taxes) | October 2023 - September 2024**

Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

1 Entry Results

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
San Francisco	San Francisco	\$288	\$288	\$288	\$333	\$333	\$333	\$270	\$270	\$270	\$270	\$270	\$288

Showing 1 to 1 of 1 entries

**FY 2024 Per Diem Rates for midland, Texas**Change fiscal year: 2024 **2023** **2022** or [New Search](#)**Daily lodging rates (excluding taxes) | October 2023 - September 2024**

Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

2 Entry Results

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Standard Rate	Applies for all locations without specified rates	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Midland / Odessa	Midland / Andrews / Ector / Martin	\$183	\$183	\$183	\$183	\$183	\$183	\$183	\$183	\$183	\$183	\$183	\$183

Showing 1 to 2 of 2 entries

9. If I needed to travel a whole week for trial plus several days of preparation, then I estimate the resulting cost difference to be substantially less expensive in Midland, Texas.

10. I have used the website [www.travelmath.com](http://www.travelmath.com) to estimate my straight-line flying times between Kanata, ON, Canada to both Midland, Texas and to San Francisco, California. The following are true and correct excerpts showing that the estimated travel times and travel distances are more convenient for Midland, Texas (3 hours, 21 minutes to travel 1,676 miles) as compared to San Francisco (4 hours, 52 minutes to travel 2,435 miles).

<https://www.travelmath.com/flying-time/from/Kanata,+Canada/to/Midland,+TX>**travelmath****DRIVING****DISTANCE****FLYING****TIME**

The flight time from Kanata, Ontario to Midland, Texas is:

**3 hours, 21 minutes**

From: Kanata, Canada

To: Midland, TX

round-trip ▾

Depart: 06/05/2024

Return: 06/11/2024

Get: flight ▾

**SEARCH**

Get: flight time ▾

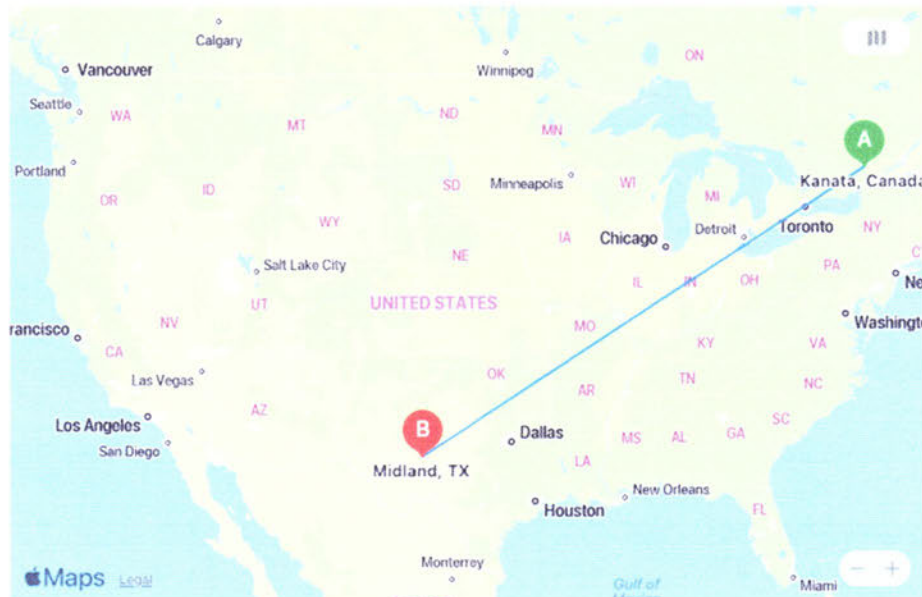
From: Kanata, Canada

To: Midland, TX

**CALCULATE**

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Flight map from Kanata, Canada to Midland, TX



Open this map directly on [Google Maps](#). For a quick answer, you can use [TheDistanceNow.com](#) to get the [distance from Kanata to Midland](#).

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## Flying time from Kanata, Canada to Midland, TX

The total flight duration from Kanata, Canada to Midland, TX is **3 hours, 51 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

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If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Kanata, Canada and Midland, TX](#).

The calculation of flight time is based on the straight line [distance from Kanata, Canada to Midland, TX](#) ("as the crow flies"), which is about **1,676 miles** or **2 697 kilometers**.

Your trip begins in Kanata, Canada.

It ends in Midland, Texas.

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<https://www.travelmath.com/flying/time/from/Kanata,+Canada/to/SFO>



travelmath

DRIVING

DISTANCE

FLYING

TIME



The flight time from Kanata, Ontario to San Francisco International Airport is:

**4 hours, 52 minutes**

From: Kanata, Canada

To: SFO

Depart: 06/05/2024

Return: 06/11/2024

Get: flight

SEARCH

round-trip

Get: flight time

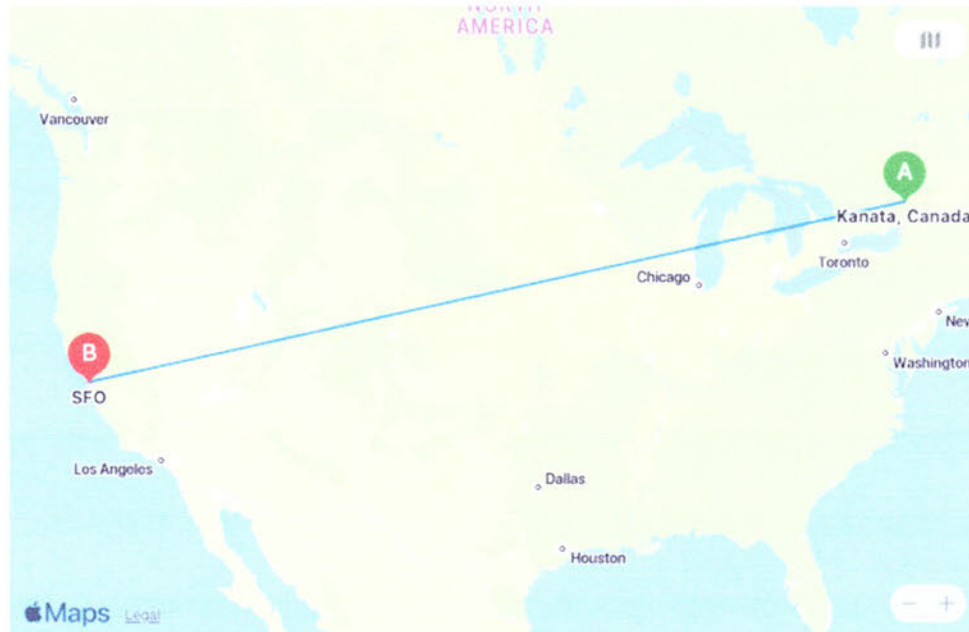
From: Kanata, Canada

To: SFO

CALCULATE

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## Flight map from Kanata, Canada to SFO



Open this map directly on [Google Maps](#).

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## Flying time from Kanata, Canada to SFO

The total flight duration from Kanata, Canada to SFO is **5 hours, 22 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Kanata, Canada and SFO](#).

...

The calculation of flight time is based on the straight line [distance from Kanata, Canada to SFO](#) ("as the crow flies"), which is about **2,435 miles** or **3 919 kilometers**.

Your trip begins in Kanata, Canada.

It ends at San Francisco International Airport in San Francisco, California.

Your flight direction from Kanata, Canada to SFO is **West** (-86 degrees from North).

The flight time calculator measures the average flight duration between points. It uses the great circle formula to compute the travel mileage.

11. Based on these estimates, I believe that my travel to Midland, Texas will be much more convenient than travel to San Francisco, California because my travel will be less expensive, faster, and closer. For these reasons, I am unwilling to travel to San Francisco, California for trial.

12. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on August 20, 2024 at Kanata, Ontario, Canada.

  
Paul O'Leary